

CHAPTER NO. 123

HOUSE BILL NO. 3220

By Representative McDaniel

Substituted for: Senate Bill No. 3206

By Mr. Speaker Wilder

AN ACT to amend Chapter 353 of the Private Acts of 1968, relative to the county attorney of Chester County.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 353 of the Private Acts of 1968 is amended by deleting Sections 1 through 5 and by substituting instead the following:

Section 1. At the end of the term of the county attorney holding such office upon the effective date of this act or in the event of a vacancy in the office of county attorney, whichever occurs first, the office of county attorney in Chester County is abolished. Thereafter, the county attorney shall be an employee of Chester County who shall be appointed by the county executive. Each such appointment shall be subject to confirmation by the county legislative body. The county attorney shall receive a salary, to be set annually by resolution of the county legislative body acting prior to the adoption of the county's annual budget.

Section 2. The county attorney must be a licensed attorney in the State of Tennessee and must be admitted to practice before the Supreme Court of Tennessee.

Section 3. It shall be the duty of the county attorney to transact all legal business of the county; to advise the county executive, county legislative body and other county officers of Chester County respecting their official duties and legal matters affecting their offices; and to prepare appropriate resolutions, when requested, for adoption by the county legislative body.


Section 4. The county attorney shall represent Chester County in litigation unless prevented from doing so because of a conflict of interest or other valid reason; however, the county attorney's annual salary shall not constitute compensation for representing the county in such litigation. In addition to the annual salary, the county attorney shall be entitled to compensation for litigation and other special services not noted above as part of the regular duties of the county attorney at an hourly rate established by resolution of the county legislative body together with reasonable expenses. If the county attorney cannot represent Chester County because of a conflict of interest or other valid reason, or if due to the complexity or volume of county litigation, one (1) or more additional attorneys are required, then the county executive is empowered to retain such additional attorney or attorneys as needed, subject to any funds necessary for this purpose being appropriated by the county legislative body. The county attorney may serve as delinquent tax attorney only if appointed to such position in accordance with the general law.

Section 5. The county attorney may engage in the private practice of law so long as his or her duties as county attorney are not impaired by such practice.


SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Chester County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified to the secretary of state.

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in the preceding section.

PASSED: April 17, 2002



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 24th day of April 2002



DON SUNDQUIST, GOVERNOR